

## REMARKS

In the Office Action dated April 6, 2009 (hereinafter, Office Action), claims 1, 6, 10-12 and 19-20 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Fujita (U.S. Patent No. 4,447,041) in view of Rapp (U.S. Patent No. 3,378,231).

Applicant respectfully requests reconsideration, in view of the claim amendments set forth above and the following remarks, of the claim rejections set forth in the Office Action.

### I. Claim Rejections – 35 U.S.C. § 103(a)

Claims 1, 6, 10-12 and 19-20 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Fujita in view of Rapp.

Amended claim 1 recites that a drive unit is operable to adjust the height of a patient support and a drive unit that is operable to adjust the height of the patient support, and act on the central articulation.

The Office Action combines Fujita and Rapp. Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the proposed modification would render the embodiments of Fujita unsatisfactory for their intended purpose.

Fujita is directed to lifting a table 5 (col. 1, lines 10-25). The table 5 is mounted on a stretchable assembly 2 (col. 1, lines 10-25). The stretchable assembly 2 includes pivotable arms 3 each pivoted to one end of a frame 1 and shiftable arms 4 each having a roller 41 slidable along a guide portion 11 of the frame 1 (col. 1, lines 10-25).

Rapp is directed to a "high capacity jack" (col. 1, line 32). The jack is used to raise the counterweight end of a fork lift (col. 1, lines 35-47). Rapp provides an illustration of this movement:

When it is desired to service a fork lift, little difficulty is encountered when it is desired to service the end of the fork lift which has the fork apparatus on it. In such case, the fork raiser post is merely tilted back and the forks are lowered sufficiently they will engage a block placed below them.  
See, Rapp, col. 1, lines 35 - 46

In other words, one end of the jack (i.e., the lift platform 12) is used to lift the fork lift. The other end of the jack is connected to an actuator 13. As shown in FIG.1 and FIG. 2, the other end of the jack (i.e., the side with the actuator 13) is not used to lift the fork lift. In fact, because the actuator 13 extends higher than the link 23, the other end is unable to support a fork lift or other type of platform.

Modifying the lift unit of Fajita to include the jack of Rapp would render the lift unit unsatisfactory for the intended purpose of Fajita. The intended purpose of Fajita is to lift a table parallel to the ground, which is the reason that both ends of the table are connected to the scissor lift. Connecting both ends of the table to the lift prevents the table from tilting. However, if the jack, disclosed by Rapp, is used, the table would tilt the table in an undesired way. Additionally, using the jack of Rapp would require unconnecting one end of the stretchable assembly 2. Accordingly, the modification would render Fajita unsatisfactory for its intended purpose. Therefore, a *prima facie* case of obviousness has not been established and Applicant respectfully request that the claim rejections be withdrawn.

Dependent claims 6 and 10-11 depend from allowable claim 1 and are allowable for at least this reason. Claim 6 was amended to provide antecedent basis for each of the claim limitations.

Independent claim 12 recites a lifting linkage that connects the top part to the bottom part and has at least two sub-linkages connected to one another via a central articulation, and a drive unit that is operable to adjust the height of the top part, and act on the central articulation. As discussed above, one skilled in the art would not have modified lift unit disclosed in Fujita using the jack disclosed in Rapp because the modification would have rendered the lift unit unsatisfactory for its intended

purpose. Therefore, claim 12 is allowable over the cited references because a *prima facie* case of obviousness has not been established.

Dependent claims 19 – 20 depend from allowable claim 12 and are allowable for at least this reason.

### **CONCLUSION**

If the Examiner is unable to allow the currently pending claims in the next Office Action and believes that a telephone interview would be helpful to resolve any issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

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